REMARKS

I.   General

Claims 1-5, 7-14, 16-18, and 20-22 are pending in the current application. All of the pending claims are rejected in the current Office Action, mailed January 7, 2004. The issues raised in the current Office Action are:

- Claims 1-4, 8-10, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* (U.S. patent number 6,108,492).

- Claims 5 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* in view of *Onaga* (U.S. patent number 6,266,693).

- Claims 7, 20, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* in view of *SQL User's Guide*.

- Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* in view of *Onaga* and further in view of *SQL User's Guide*.

- Claims 13, 16, and 21 are rejected under 35 U.S.C. §103(a) over *Miyachi* in view of the disclosure in the present Application's Specification.

- Claims 14 and 17 are rejected under 35 U.S.C. §103(a) over the *Miyachi* in view of the present Application's Specification in further view of *SQL User's Guide*.

Applicants respectfully request reconsideration and withdrawal of the outstanding rejections in light of the amendments and remarks contained herein.

II.   Claim Amendments

Claims 7, 18, and 22 have been amended. Support for the amendments to claims 7, 18, and 22 can be found at least at original claim 13. Accordingly, no new matter has been added.

Further, claim 1 has been amended to recite, "raw data," instead of "actual data." The term, "actual data" as used in the specification at such places as page 3, line 14 through page 4, line 6, is synonymous with "raw data." Accordingly, no new matter has been added by the amendment to claim 1. Further, the amendment to claim 1 is meant to be a cosmetic change

to the claim by conforming to more commonly used phraseology in the art, and it is not meant to narrow the scope of claim 1, nor is the amendment in response to any art.

III.   Response to Claim Rejections

Applicants respectfully submit that the claims of the present application are allowable over the applied references of record, as described more fully below.

A.   Claim Rejections Under 35 U.S.C. § 103(a) over *Miyachi*

Claims 1-4, 8-10, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* (U.S. patent number 6,108,492). In view of the amendments and comments below, Applicants respectfully request withdrawal of this rejection.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the applied reference. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without conceding any other criteria, Applicants respectfully assert that the rejection does not satisfy the third criterion, as discussed further below.

B.   *Miyachi* Fails to Teach or Suggest All Claim Limitations of claims 1 and 4

Claim 1 recites in part, "receiving by said reporting application raw data from said system". Applicants respectfully submit that *Miyachi* fails to teach or suggest at least the above feature of independent claim 1. The Examiner cites Col. 10, lines 13-21 of *Miyachi* as teaching the above feature; however, that passage teaches just the opposite. The passage cited by the Examiner teaches that the Host's processor requests status information from the MFP's processor. The next passage, though, explains that the status information is derived data, not raw data. See Col. 10, lines 29-33, which explains that the MFP's processor produces status information by deriving data. Thus, *Miyachi* does not teach or suggest receiving by said reporting application raw data from said system. Rather, *Miyachi* teaches receiving derived data. Accordingly, *Miyachi* does not teach or suggest each and every element of claim 1. Therefore, claim 1 is not obvious over *Miyachi*.

Claim 4 recites in part, "wherein said attribute is selected from the group consisting of membership of nodes within a cluster, configuration of a cluster...availability of shared peripherals for addition to a cluster, resilience to faults of a High Availability cluster, performance potential of a cluster..." Applicants respectfully submit that *Miyachi* fails to teach or suggest at least the above feature of independent claim 4. The Examiner cites Col. 5, line 57 through Col. 8, line 60 as teaching the above feature. The passage cited by the Examiner consists of two tables that list possible MFP status conditions to be reported to a technician, and not one of the status conditions in the tables mentions nodes or clusters. In fact, the status conditions listed in the tables are status conditions of a printer, which include, for example, two sided mode (Col. 7, line 20) and margins (col. 8, line 34), but fail to include any of the above-listed attributes. Accordingly, *Miyachi* does not teach or suggest the elements of claim 4. Therefore, claim 4 is not obvious over *Miyachi*.

Independent claim 18, as amended herein, recites in part, "computer executable software code for querying said system as specified by said request..." Applicants respectfully submit that *Miyachi* fails to teach or suggest at least that feature of amended independent claim 18. It should be noted that the Examiner has indicated agreement in withdrawing the previous rejection of claim 13 over *Miyachi*. Though claim 13 is rejected by this Office Action over an additional reference, Applicants explain below that those references also do not teach or suggest the above-recited feature. Thus, Applicants respectfully submit that amended claim 18 is patentable over *Miyachi* at least for the above reason.

In view of the above, Applicants submit that independent claims 1, 4, and 18 are allowable over the applied *Miyachi* reference. Further, dependent claims 2, 3, and 8-10 each depend either directly or indirectly from independent claim 1 and thus inherit all of the limitations of independent claim 1. It is respectfully submitted that dependent claims 2, 3, and 8-10 are allowable at least because of their dependence from independent claim 1 for the reasons discussed above. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-4, 8-10, and 18.

C.   Rejections under 35 U.S.C. § 103(a) over *Miyachi* in view of *Onaga*

Claims 5 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* in view of *Onaga* (U.S. patent number 6,266,693). Such claims 5 and 11 depend from independent claim 1 and therefore inherit all of its limitations. As discussed above,

Miyachi does not teach or suggest every element of independent claim 1. Further, the Examiner does not rely on *Onaga* to cure the deficiencies discussed above regarding claim 1, nor does *Onaga* cure the deficiencies, and as such, claims 5 and 11 are patentable over the cited art at least because of their dependence from claim 1. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 5 and 11.

D.   Rejections under 35 U.S.C. § 103(a) over *Miyachi* in view of *SQL User's Guide*

Claims 7, 20, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* in view of *SQL User's Guide*.

Amended independent claim 7 recites in part, "computer executable software code for querying said system as specified by said request..." As explained above with regard to claim 18, *Miyachi* does not teach or suggest at least the above feature. The Examiner does not rely on *SQL User's Guide* to teach or suggest the feature, nor does that reference teach or suggest the feature. As such, amended claim 7 is patentable over the cited art.

Such claims 20 and 22 each depend from independent claim 18, and therefore each inherits all of the limitations of independent claim 18. As discussed above, *Miyachi* does not teach or suggest every element of independent claim 18. Further, the Examiner does not rely on *SQL User's Guide* to cure the deficiencies discussed above regarding claim 18, and as such, claims 20 and 22 are patentable over the cited art at least because of their dependence from claim 18. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 7, 20, and 22.

E.   Rejection under 35 U.S.C. § 103(a) over *Miyachi* in view of *Onaga* and *SQL User's Guide*

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Miyachi* in view of *Onaga* and further in view of *SQL User's Guide*. Such claim 12 depends from independent claim 1, and therefore inherits all of the limitations of its independent claim. As discussed above, *Miyachi* does not teach or suggest every element of independent claim 1. Further, the Examiner does not rely on *Onaga* and *SQL User's Guide* to cure the deficiencies discussed above regarding claim 1, and as such, claim 12 is patentable over the cited art at least because of its dependence from claim 1. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claim 12.

F.   Rejection under 35 U.S.C. § 103(a) over *Miyachi* in view of the present Application's Specification

Claims 13, 16, and 21 are rejected under 35 U.S.C. §103(a) over *Miyachi* in view of the disclosure in the present Application's Specification.

Claim 13 recites in part, "computer executable software code for querying said system as specified by said request…" The proposed combination does not teach or suggest at least that feature of independent claim 13. On page 17 of the Office Action, the Examiner concedes that *Miyachi* does not teach the above feature, and the Examiner relies on the Background section of the present Application's Specification to cure the deficiency. Pages 17 and 18 of the current Office Action state, "Applicant admitted prior art teaches an operated application program for investigating and obtaining information about system attributes as a method and reporting application for stimulating notification regarding changes of system attributes."

Applicants respectfully submit that the Examiner misunderstands the Background section of the present Application. Applicants point to page 2, lines 6-8 of the Application, which states that the prior art application program described performs both the functions of obtaining information and of figuring out whether changes have occurred in the system attributes, instead of disclosing one application program for each function, as the Examiner alleges. Further, the Background does not disclose both a "request" and a "query" because the application program described is the first requestor and end user of the information that is sought from the system. See Page 5, lines 24-27. In other words, the described application program issues a command querying the system, but the querying command is not specified by any request because the application program does not receive a request from any other source. Thus, "querying said system as specified by said request" is not performed by the application program described in the Background of the Application's Specification. Because the proposed combination does not teach or suggest each and every feature of claim 13, Applicants respectfully submit that claim 13 is patentable over the cited art.

Such claims 16 and 21 each depend from independent claim 13, and therefore each inherits all of the limitations of independent claim 13. As discussed above, the proposed combination does not teach or suggest every feature of independent claim 13. It is respectfully submitted that dependent claims 16 and 21 are allowable at least because of their dependence from independent claim 13 for the reasons discussed above. Accordingly,

Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 13, 16, and 21.

G.   Rejection under 35 U.S.C. § 103(a) over *Miyachi* in view of the present Application's Specification in further view of *SQL User's Guide*

Claims 14 and 17 are rejected under 35 U.S.C. §103(a) over the *Miyachi* in view of the present Application's Specification in further view of *SQL User's Guide*.

Such claims 14 and 17 each depend from independent claim 13, and therefore each inherits all of the limitations of independent claim 13. As discussed above, *Miyachi* in view of the Present Application's Specification does not teach or suggest every element of independent claim 13. Further, the Examiner does not rely on *SQL User's Guide* to cure the deficiencies discussed above regarding claim 13, and as such, claims 14 and 17 are patentable over the cited art at least because of their dependence from claim 13. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 14 and 17.

IV.   Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10990763-2 from which the undersigned is authorized to draw.
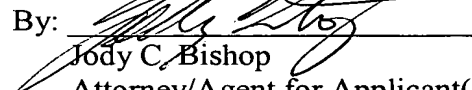
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